

REMARKS

Claims 53, 78, and 80-91 are pending in this application. Claims 86-89 have already been allowed (page 4 of the Office Action mailed on March 11, 2003). Claims 33 and 35 have been cancelled, and new claims 90 and 91 added, in this current amendment. The limitation "providing a cell" in claims 53, 78, 80, 81, 83, 84, and 86-89 is supported, for example, in the specification at page 8, lines 20-29. The limitations "contacting said melatonin receptor protein with the candidate compound" and "contacting said melatonin receptor protein or melatonin binding receptor fragment with the candidate compound" in claims 53, 78, 80, 81, 83, 84, and 86-89 are supported, for example, in the specification at page 7, lines 14-24. The limitation "at least 80% identical" in claims 53 and 78 is supported, for example, in the specification at page 4, lines 1-5, and by original claims 25-29. The limitation "or a melatonin binding fragment thereof" in claims 80, 81, 83, and 84 is supported, for example, in the specification at page 7, lines 14-24. New claims 90 and 91 are supported, for example, in the specification at page 60, lines 8-32. This amendment adds no new matter.

The invention relates, in part, to methods for screening candidate compounds for their ability to act as agonists of melatonin receptor ligands.

35 U.S.C. §112, ¶1

Claims 33, 35, 53, 78, and 80-85 have been rejected as allegedly lacking adequate written description support in the specification (Office Action at page 2). To advance prosecution, and without prejudice, applicants have cancelled claims 33 and 35, and amended claims 53, 78, and 80-85.

Applicants have amended claims 53 and 78 to substitute "at least 80% identical" for "substantially identical", which the Examiner specifically mentions as a ground for rejection (Office Action at page 3).

Applicants believe that any grounds for rejection previously applying to claims 80-85 were successfully removed during the telephone interview between applicants, Examiner Pak, and Supervising Examiner Eyler on September 9, 2003 (described in detail below).

35 U.S.C. §112, ¶2

Claims 33, 35, 53, 78, and 80-85 have also been rejected as allegedly indefinite (Office Action at page 2). As mentioned above, to advance prosecution, and without prejudice, applicants have cancelled claims 33 and 35, and amended claims 53, 78, and 80-85.

As explained above, applicants have amended claims 53 and 78 to remove the term "substantially identical", which the Examiner specifically mentions as a ground for rejection (Office Action at page 3).

Furthermore, applicants have amended claims 53, 78, and 80-85 to remove the term "high affinity", which the Examiner specifically mentions as a ground for rejection (Office Action at page 3-4).

Telephone Interview of September 8, 2003

Applicants conducted a telephone interview with Examiner Michael Pak and his Supervising Examiner Yvonne Eyler on September 8, 2003. Applicants wish the record to reflect their appreciation to both Examiner Pak and Supervising Examiner Eyler for agreeing to this interview.

Applicants sent a set of proposed amended claims to Examiner Pak and Supervising Examiner Eyler in advance of the telephone interview, and these claims formed the basis for discussion. During the course of the interview Examiner Pak and Supervising Examiner Eyler agreed that the amended claims proposed by Applicants successfully removed all remaining grounds for rejection contained in the Final Office Action mailed on March 11, 2003. However, Examiner Pak and Supervising Examiner Eyler suggested that Applicants amend claims 53, 78, 80, 81, 83, 84, and 86-89 to further specify that the "candidate compound" recited in those claims contacts the melatonin receptor protein or melatonin binding fragment thereof.

Accordingly, Applicants have amended these claims to add the language "contacting said melatonin receptor protein with the candidate compound" or "contacting said melatonin receptor protein or melatonin binding fragment with the candidate compound", as appropriate. To enhance clarity and consistency with other claims, Applicants have also amended claims 80, 81, 82, and 84 to add the language "melatonin binding fragment thereof" and "wherein the cell expresses on its surface said melatonin receptor protein or melatonin binding fragment" already present in claims 53, 78, and 86-89. Applicants believe this amendment fully implements Examiner Pak's and Supervising Examiner Eyler's suggestion.

At the conclusion of the telephone interview, Examiner Pak requested that Applicants memorialize the results of that interview in a written reply filed to the Final Office Action, which Applicants have now done in this current amendment.

Applicants believe that all claims are now in condition for allowance, which action they respectfully request.

Conclusion

Enclosed is a \$930 check for a three month petition for extension of time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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